THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 350 of 2005

Dated: 28-07-2005

Between:

K. Kotaiah

..... APPELLANT

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary to Government, Higher Education Department, Secretariat, Saifabad, Hyderabad

And two others.

.....RESPONDENTS

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THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 350 of 2005

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JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

1. The appellant, call in question, the legality of the order rendered by a learned single Judge of this Court dated 31.12.2004 in W.P.No.15805 of 2002, which was filed seeking to declare the proceedings dt.5-8-2002 issued by the 2nd respondent as illegal and arbitrary with a consequential direction to the respondents that the petitioner is entitled to U.G.C. Scale of Pay.

2. The unsuccessful writ petitioner is the appellant herein.

3. The main case of the appellant is that he was originally appointed as a Librarian with B.L.Sc. qualification in 1985 and thereafter in 1993 as he acquired M.L.Sc., after considering his representation, he was appointed as a regular Lecturer in the respondent college by giving U.G.C. Scales with effect from 26.05.1993. But, the Authorities having allegedly found it as irregular, issued the impugned proceedings by canceling the pay fixation, which was ordered in the revised U.G.C, pay scales, 1986 and sought to recover the excess amount paid to him and regulating his pay in the State pay scales. Hence, the writ petition. The respondents contested the above writ petition on the grounds that the petitioner should possess the NET/SLET certificate for payment of U.G.C. Scales as contemplated under the G.O.Ms.No. 159 Education (UE.2) Department, dated 30-6-1990. Further, as there are no specific orders from the Government to fix the pay of the incumbent in the revised UGC pay scales of 1986, the petitioner is not entitled to the reliefs sought for.

4. The learned Single Judge having gone into merits of the case though granted the relief sought in the writ petition, yet, directed the respondents-authorities to reconsider the case of the petitioner in the light of the G.O.Ms.No.11 dated 20-02-2004 and to pass appropriate orders within a period of three months. However, directed that till a decision is taken in that regard, the recovery sought to be effected in the impugned order may not be given effect to. Aggrieved by the above observations, the present appeal is filed.

5. The learned counsel appearing on behalf of the appellant brought to the notice of this Court of the fact that in pursuance of the directions issued by the learned Single Judge, the respondents have passed a proceeding dated 15-2-2005 rejecting the claim of the appellant, which is the subject matter in W.P. No. 3586 of 2005.

6. From the above, it has to be observed that in view of the orders passed by the respondents on 15-2-2005, the writ appeal has become infructuous. However, we are inclined to grant liberty to the appellant to raise all his objections in the Writ Petition No.3586 of 2005. Further, the appellant is at liberty to move the appropriate Court in case the respondents take any coercive steps for recovery. The Registry is directed to post the Writ Petition No.3586 of 2005, which was tagged on to this appeal, for final hearing before the Court that hears the matters.

7. With the above observations, the writ appeal is disposed of. No costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

28.07.2005

NB:- Registry is directed to post W.P. No. 3586 of 2005, which

was tagged on to this appeal, before the Court that hears the matters after obtaining necessary orders from the Hon'ble the Acting Chief Justice.

B/o.

kvrk

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL NO : 350 of 2005

(Judgment of the Division Bench delivered by

Hon'ble Smt Justice T Meena Kumari)

28th JULY 2005